

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2029 of 1989

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA

and

HON'BLE MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

SHREE DIGVIJAY CEMENT CO.LTD

Versus

STATE OF GUJARAT

Appearance: 1. Special Civil Application No. 2029 of 1989

MR DHAVAL NANAVALI for MR KS NANAVALI for

Petitioner No. 1-2

MR UR BHATT AGP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

and

HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 08/09/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

The petitioner-Shree Digvijay Cement Co. Ltd. was

granted lease for a period of 2 years with effect from 5.9.1987 by order dated 25.4.1988 (Annexure-C).

The case of the petitioner in this petition is that mining lease was to be renewed for a period of ten years as contemplated in Rule 24 B of the Mineral Concession Rules, 1969. In spite of it lease was renewed in favour of the petitioner only for a period of 2 years by order dated 25.4.1988 (Annexure-C). Hence, by way of this petition, the petitioner prayed to amend the order dated 25.4.1988 at Annexure "C" and renew the lease of the petitioner-company at least for a period of 10 years from 5.8.1987 to 4.8.1997.

On 23.3.1989, initially notice was ordered to be issued making it returnable on 24.4.1989 and, thereafter on 29.8.1990 Rule was issued and interim relief in terms of para 14(B) was granted on the condition that the petitioner to supply the respondent the information and plans which they want. The petitioners were directed to supply such information within a period of one month from the date on which the respondent calls upon them to do so.

As stated earlier, prayer made in this petition was to renew the lease for a period of 10 years from 5.8.1987 to 4.8.1997. Today, more than a period of 7 years has passed. Under the circumstances, by efflux of time and subsequent events taking place in the matter, nothing survives in this petition and accordingly it is dismissed. Rule is discharged. Interim relief granted earlier stands vacated. No order as to costs.

(B.J.Shethna, J.)

(Sharad D. Dave, J.)

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